

**AREA BOARD OF ZONING APPEALS
ST. JOSEPH COUNTY, INDIANA**

MINUTES

Wednesday, August 08, 2018
1:30 p.m.

4th Floor, Council Chambers
County-City Building, South Bend, IN

MEMBERS PRESENT:

Robert Hawley
Michael Urbanski
Kathy Schuth
John Leszczynski
Jack Young
Brendan Crumlsh

MEMBERS ABSENT:

Randy Matthys

ALSO PRESENT:

Angela Smith
Brandie Ecker
Jennifer Henthorn

PUBLIC HEARINGS:

- 1 The petition of CIVIL CITY OF SOUTH BEND seeking the following variance(s):
1) from the maximum 8' height for a monument sign to 9'5", property located at
209 S CHAPIN ST, Portage Township. Zoned O Office District (South Bend).
(Audio Position 2:58)**

PETITIONER

MELISSA FRANKIEWICZ of Burkhart Sign Systems with offices located at 1247 Mishawaka Avenue, South Bend, presented on behalf of the petitioner.

IN FAVOR

One person spoke in favor of the petition saying the museums attract thousands of people annually and he sees firsthand the people that can't find the entrance to the museum. He was:

DAVID RELOS 128 Chapin Street, South Bend, IN

Two letters were received in favor of the petition saying the sign meets the Design Review Guidelines and will improve the area. The letters were from:

CHUCK BULOT of the Building Department 125 S. Lafayette Blvd., South Bend, IN

ANDREW UJDAK of 121 S. Chapin Street, South Bend, IN.

REMONSTRANCE

There was no one present to speak in remonstrance of this petition.

After careful consideration, the following action was taken:

Upon a motion by John Leszczynski, being seconded by Michael Urbanski and unanimously carried, a petition by CIVIL CITY OF SOUTH BEND seeking the following variances: 1) from the maximum 8' height for a monument sign to 9'5" was approved as presented, and will issue written Findings of Fact.

Brendan Crumlish - Yes
Robert Hawley - Yes
John Leszczynski - Yes
Randy Matthys - Absent
Kathy Schuth - Yes
Michael Urbanski - Yes
Jack Young - Yes

- 2 The petition of LEGACY LAND OPERATIONS LLC seeking the following variance(s): 1) from the minimum lot area of 20 acres to 2 acres for proposed Lots 1 - 4, property located at 52855 BEECH RD, Harris Township. Zoned A: Agricultural District (County). (Audio Position 18:49)**

PETITIONER

TERRY LANG of Lang, Feeney & Associates with offices located at 715 S. Michigan Street South Bend, presented on behalf of the petitioner.

IN FAVOR

There was no one present to speak in favor of this petition.

REMONSTRANCE

There was no one present to speak in remonstrance of this petition.

After careful consideration, the following action was taken:

Upon a motion by Kathy Schuth, being seconded by Jack Young and carried, a petition by LEGACY LAND OPERATIONS LLC seeking the following variances: 1) from the minimum lot area of 20 acres to 2 acres for proposed Lots 1 - 4 was denied as presented, and will issue written Findings of Fact.

Brendan Crumlish - Yes
Robert Hawley - Yes
John Leszczynski - Yes
Randy Matthys - Absent
Kathy Schuth - Yes
Michael Urbanski - No
Jack Young - Yes

- 3 The petition of PAUL W JR & KATHRYN A FUTA seeking the following variance(s): 1) from the minimum 20 acre lot area to 1.65 acres, property located at 28501 SR 23 HWY, Greene Township. Zoned A: Agricultural District (County). (Audio Position 35:41)**

PETITIONER

STEVE FUTA 68645 State Road 23, Walkerton, IN presented on behalf of the petitioner.

IN FAVOR

One person spoke in favor of the petition saying the kids would be the 5th generation on to live on the property and hopes the Board will approve the petition. She was:

KATHRYN FUTA of 28550 State Road 23, North Liberty, IN.

REMONSTRANCE

There was no one present to speak in remonstrance of this petition.

After careful consideration, the following action was taken:

Upon a motion by Robert Hawley, being seconded by Michael Urbanski and carried, a petition by PAUL W JR & KATHRYN A FUTA seeking the following variances:

1) from the minimum 20 acre lot area to 1.65 acres was approved as presented, and will issue written Findings of Fact.

Brendan Crumlish - No
Robert Hawley - Yes
John Leszczynski - Yes
Randy Matthys - Absent
Kathy Schuth - No
Michael Urbanski - Yes
Jack Young - Yes

- 4 The petition of DALE L & SUSAN M PIECHOCKI seeking the following variance(s): 1) from the maximum allowed 1064 sq. ft. for a detached accessory structure to 1216 sq. ft., property located at 25258 ROOSEVELT RD, Greene Township. Zoned R: Single Family District (County). (Audio Position 46:42)**

PETITIONER

DALE PIECHOCKI of 25258 Roosevelt Road, South Bend, IN presented on behalf of the petitioner.

IN FAVOR

There was no one present to speak in favor of this petition.

REMONSTRANCE

There was no one present to speak in remonstrance of this petition.

After careful consideration, the following action was taken:

Upon a motion by Kathy Schuth, being seconded by Robert Hawley and unanimously carried, a petition by DALE L & SUSAN M PIECHOCKI seeking the following variances: 1) from the maximum allowed 1064 sq. ft. for a detached accessory structure to 1216 sq. ft. was approved as presented, and will issue written Findings of Fact.

Brendan Crumlish - Yes
Robert Hawley - Yes
John Leszczynski - Yes
Randy Matthys - Absent
Kathy Schuth - Yes
Michael Urbanski - Yes
Jack Young - Yes

- 5 The petition of KENNETH SMITH seeking the following variance(s): 1) from the maximum allowed 2035 sq. ft. for a detached accessory structure to 2432 sq. ft., property located at 66033 SMILAX RD, Liberty Township. Zoned R: Single Family District (County). (Audio Position 50:42)**

Petition was withdrawn upon petitioner's request.

IN FAVOR

There was no one present to speak in favor of this petition.

REMONSTRANCE

There was no one present to speak in remonstrance of this petition.

After careful consideration, the following action was taken:

Upon the applicant's request a petition by KENNETH SMITH seeking the following variances: 1) from the maximum allowed 2035 sq. ft. for a detached accessory structure to 2432 sq. ft. was withdrawn.

- 6 The petition of CHARLES R ELLIS seeking the following variance(s): 1) from the minimum 20 acre lot area to 4.71 acres, property located at 69730 QUINCE RD, Liberty Township. Zoned A: Agricultural District (County). (Audio Position 50:47)**

PETITIONER

TERRY LANG of Lang, Feeney & Associates with offices located at 715 S. Michigan Street, South Bend, presented on behalf of the petitioner.

IN FAVOR

There was no one present to speak in favor of this petition.

REMONSTRANCE

There was no one present to speak in remonstrance of this petition.

After careful consideration, the following action was taken:

Upon a motion by Michael Urbanski, being seconded by Robert Hawley and unanimously carried, a petition by CHARLES R ELLIS seeking the following variances: 1) from the minimum 20 acre lot area to 4.71 acres was approved as presented, and will issue written Findings of Fact.

Brendan Crumlish - Yes
Robert Hawley - Yes
John Leszczynski - Yes
Randy Matthys - Absent
Kathy Schuth - Yes
Michael Urbanski - Yes
Jack Young - Yes

- 7 The petition of CITY OF SOUTH BEND DEPT OF REDEVELOPMENT seeking a Special Exception Use to allow to allow a drive-thru restaurant in the Central Business District, and seeking the following variance(s): 1) from the 15' minimum parking setback to 7'; 2) from the 12' bail out lane to none; 3) from the 24' maneuvering lane to 14' and 4) from the required parking area screening to allow structural means to provide screening, property located at 213 and 217 SOUTH MAIN ST., Portage Township. Zoned CBD Central Business District (South Bend) (Audio Position 53:48)**

PETITIONER

JEFF SMOKE of Great Lakes Capital with offices located at 112 W. Jefferson, South Bend presented on behalf of the petitioner.

BRIAN MCMORROW with Abonmarche Consultants with offices located at 750 Lincolnway East, South Bend presented on behalf of the petitioner.

IN FAVOR

There were two people that spoke in favor of the petition saying their mission is to grow South Bend and to support new and growing companies. This is a project that reflects the hard work and investments made in the downtown area. They were:

DAN BUCKENMEYER, Director of Business Development for the Department of Community Investment, 14th Floor County City Building South Bend, IN.

TIM CORCORAN, Director of Planning, City of South Bend, 14th Floor County City Building, South Bend, IN.

REMONSTRANCE

There was no one present to speak in remonstrance of this petition.

After careful consideration, the following action was taken:

Upon a motion by John Leszczynski, being seconded by Jack Young and unanimously carried, a petition by CITY OF SOUTH BEND DEPT OF REDEVELOPMENT seeking a Special Exception Use for to allow a drive-thru restaurant in the Central Business District for property located at 213 and 217 SOUTH MAIN ST., City of South Bend, was sent to the Council with a favorable recommendation, and will issue written Findings of Fact.

Upon a motion by John Leszczynski, being seconded by Jack Young and unanimously carried, a petition by CITY OF SOUTH BEND DEPT OF REDEVELOPMENT seeking the following variances: 1) from the 15' minimum parking setback to 7'; 2) from the 12' bail out lane to none; 3) from the 24' maneuvering lane to 14' and 4) from the required parking area screening to allow structural means to provide screening was approved as presented, and will issue written Findings of Fact.

Brendan Crumlish - Yes
Robert Hawley - Yes
John Leszczynski - Yes
Randy Matthys - Absent
Kathy Schuth - Yes
Michael Urbanski - Absent
Jack Young – Yes

ITEMS NOT REQUIRING A PUBLIC HEARING

1. Findings of Fact (Audio Position 1:09:56)

- A. Findings of Fact for July 11, 2018

After careful consideration, the following action was taken:

Upon a motion by Jack Young and seconded by Robert Hawley and carried, the Findings of Fact from the July 11, 2018 meeting of the Area Board of Zoning Appeals were APPROVED.

2. Approval of the minutes from the May 9, 2018 meeting of the Area Board of Zoning Appeals. (Audio Position 1:10:12)

After careful consideration, the following action was taken:

Upon a motion by Kathy Schuth, being seconded by Robert Hawley and carried, the minutes from the May 9, 2018 meeting of the Area Board of Zoning Appeals were APPROVED.

3. Other Business

- A. New Minutes Format (Audio Position 1:10:46)

After careful consideration, the following action was taken:

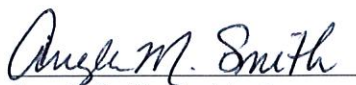
Upon a motion by Kathy Schuth, being seconded by Robert Hawley and carried, the new minute format was APPROVED.

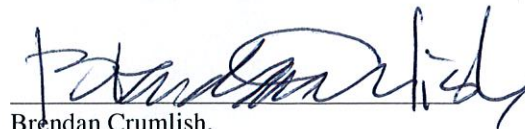
- B. Discussion on City to form their own Plan Commission and Board of Zoning Appeals (Audio Position 1:14:12)

The meeting was adjourned at 2:46 p.m.

ATTESTED:

RESPECTFULLY SUBMITTED:


Angela Smith, Assistant
Secretary of the Board


Brendan Crumlish,
Chairman of the Board